



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 14, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Sacks followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, McKillop, Bogue, Thnay, Peixoto
CHAIRPERSON: Sacks
Absent: COMMISSIONER: Zermeño

Staff Members Present: Camire, Conneely, Emura, Patenaude, Lens, Macias

General Public Present: Approximately 11

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Use Permit Application No. PL-2005-0057 – Juan Murillo and Steven Monasterial (Applicants)/ Dr. Dharam Salwan (Owner) – Request to Operate a Tattoo, Permanent Cosmetics and Piercing Parlor – The Project is Located at 22529 Second Street, Unit A, Between "A" and "B" Streets

Staff report submitted by Associate Planner Camire, dated April 14, 2005, was filed.

Associate Planner Camire presented the staff report and answered questions from the Commissioners.

In response to Commissioner's Lavelle inquiry about the number of other tattoo businesses in Hayward, Associate Planner Camire responded that there are four that have been licensed and approved: Peter Skin Art located on Jackson, Russell City on Mission, Secret Sidewalk on Mission, and Twisted Illusions on Tennyson.

Chair Sacks opened the public hearing at 7:30 p.m.

Mr. Richard Colao, artist and business manager, spoke about Ms. Lupe Compean's concern about the lack of parking spaces for this business and ensured that the capacity will not be impacted.

Juan Murillo, business owner, reassured Commissioners that he will abide by the conditions of approval.

Commissioner Thnay asked Mr. Murillo about the different types of expected clientele and the differentiation of Pin Point Tattoos from the gang and drug-related tattoos. Mr. Colao answered that he does cover-up of gang related tattoos for at-risk youths as well as scar cover-up.

In response to the range of cost, Mr. Colao responded that a 1 hour-tattoo costs \$100 and the procedures range from 1 hour to 60 hours.

Commissioner Lavelle, referring to condition #6, inquired about the action that will be taken when customers start loitering and smoking in front of the business. Mr. Calao ensured that it would not be tolerated.

Ms. Lupe Compeon expressed her concern about the prospective business not having enough parking spaces and noted that she did not approve of the type of business for the area.

Chair Sacks closed the public hearing at 7:51 p.m.

Commissioner Thnay asked staff about the optimal amount of tattoo parlors and if whether other cities the size of Hayward have restrictions about the number of establishments. Associate Planner Camire responded that the City does not have restrictions on the number of tattoo parlors. Berkeley has tattoo parlors that are next to each other.

Chair Sacks showed support and referring to condition #3, regarding the business sign, asked for a better design. Commissioner Thnay reiterated her comments.

Commissioner McKillop moved, seconded by Commissioner Lavelle, and approved with Commissioner Zermefio absent, to accept that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines Section 15332, In-Fill Development Projects; and to approve the application subject to the findings and conditions of approval.

AYES:	COMMISSIONERS Lavelle, McKillop, Thnay, Peixoto
	CHAIR Sacks
NOES:	COMMISSIONERS Bogue
ABSENT:	COMMISSIONER Zermefio
ABSTAIN:	COMMISSIONER None

2. Use Permit Application No. PL-2004-0685 – Dr. Yulin Wu of Hayward Health Center (Applicant) / Tzen-Wen Guo (Owner) – Request to Conduct Massage Services in Conjunction with an Acupuncture Office – The Project is Located at 30048 Mission Boulevard, Suite 131, in the Mission Park Center

Staff report submitted by Associate Planner Camire, dated April 14, 2005, was filed.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 14, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Associate Planner Camire presented the staff report and answered questions from the Commissioners.

Commissioner Lavelle asked if the massage establishment permit is issued by the City. Ms. Camire answered yes and emphasized that each massage therapist needs their own permit to operate independently of the business.

Chair Sacks opened the public hearing at 8:02 p.m.

Mr. Brian Ripp introduced Mr. Cour, manager for the massage business, and stated that he agrees with the conditions of approval set forth by the City.

Commissioner Thnay inquired about the different types of businesses and whether they are for medical purposes.

Principal Planner Patenaude clarified that if Dr. Wu intended to provide massage services for his patients, he would not be required to have a permit. However, since Dr. Wu intends to allow medical massage as well as therapeutic or recreational massage, then there is a requirement for the use permit. With a use permit, Dr. Wu can perform both types of massages at the same location.

Commissioner Lavelle asked about the sign already placed on the business door. Mr. Ripp responded by saying that the business was providing massage services before but that they ceased business because they were informed they needed a permit.

In response to Commissioner Lavelle's concern about the landscaping, Dr. Wu responded that he accepts the conditions regarding the landscaping.

Chair Sacks expressed concern that the business sign on the rear entrance is not in English (Hayward Heath Center). Principal Planner Patenaude responded that the sign is exempt from the sign ordinance due to the size.

Chair Sacks closed the public hearing at 8:13 p.m.

Commissioner Bogue, referring to condition #13, recommended to have the words, "...at an acupuncture medical office" deleted.

Commissioner Thnay moved, seconded by Commissioner McKillop, and approved with Commissioner Zermefio absent, to accept the proposed project is Categorically Exempt from CEQA pursuant to Section 15301, Class (b), Class 1, Existing Facilities; and approve the Use Permit Application subject to the finding and conditions of approval with changes to condition #13.

Commissioner Peixoto inquired about follow-up procedures and the action from staff to ensure that conditions are met. Principal Patenaude expressed that before they restart operations they have to be in compliance and abide by the conditions of approval.

Commissioner McKillop asked for a friendly amendment to the motion to include the change to condition #13 as per Commissioner Bogue's comments.

In response to the inquiry of what would be the cause for the revocation of the license made by Commissioner Lavelle, Principal Planner Patenaude indicated that not upholding by the ordinance would constitute revocation.

3. Zone Change Application No. PL-2004-0418 & Vesting Tentative Tract Map 7554 PL-2004-0417 – Arlyne Udal for Chabot Estate Homes (Applicant) / Greg Silva (Owner) Request to Change the Zoning From a Single-Family Residential District to a Planned Development District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home – The Project is Located at 2141 West Jackson Street at the End of Cryer Street Near Chabot College

Item continued to May 12, 2005

4. Variance Application No. PL-2005-0023 – Barbara Fairman (Applicant/Owner) – Request to Allow a Two-Bedroom, 1,100 Square-Foot "Granny" Unit Where a One-Bedroom, 640 Square-Foot Unit is Allowed and to Allow a Rear Stair to Extend 11'-6" into the Rear Yard Where 3 Feet is Allowed – The Project is Located at 1235 Westwood Street

Staff report submitted by Associate Planner Emura, dated April 14, 2005, was filed.

Associate Planner Emura presented the staff report and responded to questions from Commissioners. He also showed pictures of the proposed granny or in-law unit.

Chair Sacks opened the public hearing at 8:32 p.m.

Ms. Barbara Fairman, project applicant, expressed desire for independence from her daughter and granddaughter while still sharing a house together. She noted that she had gone to great expense for the addition and she received positive comments from her neighbors.

Ms. Kristine Giddings, applicant's daughter, urged Commissioner's approval of the variance.

Chair Sacks closed the public hearing at 8:38 p.m.

Commissioners expressed sympathy for this situation and pointed out modifications that could be made to bring the unit into compliance with the Zoning Ordinance; however, they felt that approving the variance would set a detrimental precedent.

Staff offered information on how the unit could be brought into compliance for a granny or in-law unit; however, the applicant expressed that she wants to keep it as is. Staff indicated a door from the granny unit to the primary unit could be provided as long as they appear as two separate units.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 14, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Commissioner Bogue moved, seconded by Commissioner Lavelle, and approved with Commissioner Zermeno absent, to accept that the proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), *Projects Which are Disapproved*; and to deny the variance application subject to the findings.

ADDITIONAL MATTERS

5. Oral Reports on Planning and Zoning Matters
There were no reports.

6. Commissioners' Announcements, Referrals
Chair Sacks noted that she had visited the Renaissance Walk opening and commented that all 46 units have been sold. Mr. Patenaude indicated that the price ranged from \$265,000 for the subsidized units to \$618,500 for the rest.

APPROVAL OF MINUTES

Minutes of March 10, 2005 – Approved.

ADJOURNMENT

Chair Sacks gave the opportunity to Commissioner Bogue to adjourn the meeting at 8:51 p.m. in memory of Sgt. William Kelly. He was a police officer who was recently promoted to Sergeant. He had worked on several projects that had come before the Planning Commission. He will be missed.

APPROVED:

Julie McKillop, Secretary
Planning Commission

ATTEST:

Miriam Lens
Senior Secretary